

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2880 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.JAIN

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy of the judgement? No

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge? No

DECEASED MANCHHARAM DAYALJI PATEL

Versus

COMPETENT AUTHORITY & ADDITIONAL COLLECTOR

Appearance:

MR KK TRIVEDI for Petitioners

MR TH SOMPURA, ASSTT. GOVT. PLEADER, for Respondents.

CORAM : MR.JUSTICE R.R.JAIN

Date of decision: 28/04/97

ORAL JUDGEMENT

Rule. Service of Rule is waived by Mr.T.H.Sompura, Assistant Government Pleader for the respondents.

2. Inaction on the part of the respondent authority in deciding the petitioner's application, Annexure-C, dated 18.2.1992 requesting for grant of necessary permission under Section 21 (1) of the Urban Land (Ceiling & Regulation) Act, 1976 (the Act for brief) has prompted petitioner to file this petition invoking writ jurisdiction.

3. Mr.Sompura appearing on behalf of the respondent authority submits that the petitioner's application, Annexure-C, dated 18.2.1992 is under process. However, owing to some intervening circumstances the application could not be decided within reasonable period. Mr.Trivedi for the petitioner states that though all the documents as required by the respondent authority have already been produced yet deliberately the decision is delayed with ulterior motive. Under the circumstances, appropriate directions to decide the matter in accordance with law within stipulated period would take care of the grievances and would also govern the disposal of the matter.

4. My attention is drawn to Annexure-D, dated 20.11.1994, vide which the respondent authority has asked the petitioner to submit some documents. One of the documents as required by the authority is certified copy of Form No.1 filled in by the petitioner. Though a xerox copy has already been produced the authority insists for certified copy. In my view, since the authority is in possession of the original form should not insist for certified copy. This approach on the part of the respondent authority would add to the agonies of the petitioner entailing further expenses. If the authority doubts genuineness of the xerox copy then very well refer to the original form which is already in possession. Thus appreciation of facts by having access to the original would be more reliable and authenticated than with certified copy. The authority should have adopted practical approach rather than throwing burden upon suggesting non-application of mind. Under the circumstances, the petition requires acceptance. The respondent authority is directed to decide Annexure-C dated 18.2.1992 within eight weeks from the date of receipt of writ from this court. While deciding the application, the authority shall not insist for production of certified copy of Form No.1, the original of which is already in its possession.

5. In the result, this petition is allowed. Rule is accordingly made absolute with no order as to costs.

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